

May 5, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0241

William B. and Gene H. Duval

Bermuda Magisterial District
Vicinity of 2900 Perdue Avenue

REQUEST: A Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes in a Residential (R-15) District.

RECOMMENDATION

Recommend approval of this request for the following reasons:

- A. Variance will not impair the character of this area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

This request lies on 0.2 acre located approximately 510 feet off the southwest line of Cedar Lane, measured from a point approximately 550 feet south of Osborne Road in the vicinity of 2900 Perdue Avenue. Tax ID 795-657-5590 (Sheet 26).

Existing Zoning:

R-15

Size:

0.2 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15; Residential and vacant

South - R-15; Residential and vacant

East - R-15; Residential and vacant

West - R-15; Residential and vacant

Utilities:

Public water and sewer

Transportation:

Perdue Avenue should be upgraded to state standards.

General Plan:

(Chester Village Plan)

Residential
(1.01 to 2.5 units per acre)

DISCUSSION

The applicants request a Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes. The access to the dwelling will be over a dedicated but unimproved road from Point A to Point B, as shown on the attached map.

The applicants provide the following justification in support of this request:

This existing lot has frontage on public right of way and currently can be accessed via a paved roadway that has not been accepted into the state system. The request is to relieve the lots from having to meet any further roadway requirements in order to obtain a building permit on the subject property.

Staff visited the property and observed an unimproved lot. Staff also observed a dirt road that the applicants have indicated will be the ingress and egress to the property.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property was recorded prior to 1980.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects.

If the Board feels this request has merit, staff recommends that the entire roadway be improved and widened to fifteen (15) feet per attached Conditions 2 and 3 because of the Fire Department's request.

CONDITIONS

1. The applicants shall provide a copy of a recorded instrument which will include the following: A copy of the approved license agreement with the County.
2. Within the right of way, a fifteen (15) foot wide roadway shall be constructed and maintained. This roadway shall be constructed before the final inspection of the first house Certificate of Occupancy. The Planning Department and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards:
 - a) The roadway shall consist of no less than the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.
 - e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The County shall not issue a Certificate of Occupancy for any structure which is located on a roadway not meeting Condition 2 a-f.
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
5. This property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.
6. The applicants shall construct a swale between lots 24 and 25 Warfield Estates, Section D, to the requirements of the Director of Environmental Engineering.

